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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 ANTHONY BAILEY,

6 Petitioner,

7 v.

8 WARDEN BRIAN WILLIAMS, et al.,

9 Respondents.

Case No. 2:19-cv-01725-GMN-BNW

ORDER

10 This habeas matter is before the Court on Petitioner Anthony Bailey's Emergency Motion
11 for Appointment of Counsel (ECF No. 17) as well as Respondents' Motion for Enlargement of
12 Time (ECF No. 18).

13 There is no constitutional right to appointed counsel in a federal habeas corpus proceeding.
14 *See Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (citing *Lawrence v. Florida*, 549 U.S. 327,
15 336–37 (2007)). However, an indigent petitioner seeking relief under 28 U.S.C. § 2254 may
16 request the appointment of counsel to pursue that relief. 18 U.S.C. § 3006A(a)(2)(B). The court
17 has discretion to appoint counsel when the interests of justice so require. 18 U.S.C. § 3006A(a)(2).

18 Bailey's motion asks the Court to appoint counsel because the High Desert State Prison is
19 locked down due to the coronavirus (COVID-19) pandemic and he has no access to the prison law
20 library or inmate law clerks. As such, he asserts he lacks complete abilities to litigate his petition.

21 This is Bailey's second request for appointed counsel. In October 2019, the first request
22 was denied because Bailey has demonstrated sufficient ability to write and articulate his claims
23 and requests, and the in this case are not particularly complex. (ECF No. 3.) Nothing in Bailey's
24 renewed motion demonstrates that the appointment of counsel is now warranted. Although the
25 COVID-19 pandemic certainly presents new challenges for Bailey, he is not alone. The Court,
26 judiciary employees, attorneys, and non-incarcerated *pro se* litigants are all facing disruptions due
27 to the current health crisis. Accordingly, Bailey's motion fails to present a change in circumstances
28 as it relates to the "interests of justice" standard the Court must consider for the appointment of


1 counsel. However, the Court will extend Bailey's deadlines as necessary to give him sufficient
2 time. Bailey's renewed motion to appoint counsel is denied.

3 Good cause appearing, Respondents' fourth Motion for Enlargement of Time (ECF No. 18)
4 is GRANTED. Respondents have until May 21, 2020, to file the exhibits and corresponding index
5 of exhibits in this case. In light of this extension and the current lock down, Bailey will have until
6 July 20, 2020, to oppose Respondents' Motion to Dismiss (ECF No. 12).

7 **IT IS THEREFORE ORDERED:**

- 8 1. Petitioner Anthony Bailey's Emergency Motion for Appointment of Counsel (ECF
9 No. 17) is DENIED.
- 10 2. Respondents' fourth Motion for Enlargement of Time (ECF No. 18) is GRANTED.
- 11 3. Respondents have until May 21, 2020, to file the exhibits and corresponding index
12 of exhibits in this case.
- 13 4. Petitioner Anthony Bailey will have until July 20, 2020, to oppose Respondents'
14 Motion to Dismiss.

15 DATED: April 7, 2020

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19 GLORIA M. NAVARRO
20 UNITED STATES DISTRICT JUDGE
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